IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 322 OF 2006.

Smt.Krishnabai Sitaram Bandgar
and others. ... Petitioners.

V/s.

Krishna Dinkar Arjun
and others. ... Respondents.

P.B.Shaligram with A.B.Tajane
for the petitioners.

Ms.P.N.Badadare i/b. P.R.Arjunwadkar
for respondent Nos.1 to 6.

A.H.Palekar, AGP for respondent No.7.

CORAM: V.C.DAGA, J.

DATED: 10th March 2006.

P.C.:

. Heard learned counsel for the rival parties. Perused petition.

2. As per section 32F 1(a) of the Bomaby Tenancy and Agricultural Land Act, 1948 ("Act" for short) a notice is required to be given within one year from the death of the landlord/landlady. In this case, widow- landlady expired on 27th April, 1998. Period of one year to issue notice was

available upto 25th April, 1999. Let me now examine whether provisions of section 32F (1)(a) of the Act are complied with.

3. The factual matrix shows that the petitioners had issued notice to the respondents-tenants on 17th September, 1998 seeking possession of the disputed tenanted land for their personal cultivation. The said notice was replied by the respondents- tenants vide their reply dated 5th October, 1998; wherein they disclosed and expressed their intention to purchase the land in question.

4. It is no doubt true that the tenants have given specific and detailed notice after expiry of one year from the date of death of the widow-landlady. That by itself will not take away the effect of reply given on 5th October, 1998. The fact remains that reply dated 5th October, 1998 was given by the respondents- tenants within a period of one year to sufficiently declare their intention to exercise their right of purchase. The said reply itself can be considered as sufficient compliance of the provisions of the Act. Notices are not required to be construed

applying the principles of interpretation of statute with intention to find fault with it. The legislation in question is a social legislation, aim of which is to make agrarian reform. Notice has to be read and understood on the sense in which common man understands it.

5. In that view of the matter, no interference with the impugned order is called for. Petition is, thus, dismissed in limine with no order as to costs.

(V.C.DAGA, J.)